

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA DEPARTMENT OF AGRICULTURE – ANIMAL SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 2, Animal Services Division
Article and its heading: 8, Dairy and Dairy Products Control
9, Egg and Egg Products Control
Section numbers: R3-2-801, R3-2-803, R3-2-902, R3-2-903, and R3-2-906. As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking will update incorporations by reference for the “3-A Sanitary Standards,” the “3-A Accepted Practices,” the Grade A “Pasteurized Milk Ordinance,” 21 CFR 101, 131, and 133, and AMS 56. Additionally, the clarity and understandability of the rules will be enhanced.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007

Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF AGRICULTURE – ENVIRONMENTAL SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 3, Department of Agriculture – Environmental Services Division
Article and its heading: 1, General Provisions
2, Permits, Licenses and Certification
3, Requirements for Pesticide Use, Sales and Equipment
4, Recordkeeping
5, Nonexclusive Lists of Serious, Nonserious and De Minimis Violations
10, Agricultural Safety
Section numbers: R3-3-101, R3-3-102, Table 1, R3-3-201 through R3-3-212, R3-3-301 through R3-3-314, R3-3-401 through R3-3-404, R3-3-501 through R3-3-506, R3-3-1002, and R3-3-1003. As a part of this rulemaking, the Department may add, delete, or modify additional Articles and Sections as necessary.
- 2. Subject matter of the proposed rules:**
This rulemaking will update the rules to the current publication standards of the Office of the Secretary of State, clarify language that is ambiguous, amend definitions, modify education and licensing requirements for pesticide sellers and applicators, and amend the penalty violations to follow guidelines provided by the Environmental Protection Agency.
The amended date of 40 CFR 170, incorporated in R3-3-1002, will be updated to the most current edition. R3-3-1003 may be modified to conform to planned renumbering changes to rules in Article 2 that are referenced in Article 10.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner, Rules Specialist
Address: Arizona Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:30 p.m., Monday through Friday
Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action in the proceeding:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

- 1. Title and its heading:** 3, Agriculture
Chapter and its heading: 4, Plant Services Division
Article and its heading: 2, Quarantine
Section numbers: R3-4-240 and R3-4-241. As a part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking is in response to commitments made in the Division's last five-year review of rules.

R3-4-240 will be updated to include correct references to the Department of Agriculture and use of the current publication standards of the Office of the Secretary of State. The area under quarantine for plum curculio and apple maggot pests will be reviewed and updated. The question of allowing entry of host commodities from a state under quarantine into Arizona by a special permit will be considered.

R3-4-241 will be updated to include correct references to the Department of Agriculture and use of the current publication standards of the Office of the Secretary of State. The commodities list for Lethal Yellowing and Lethal Decline of Palms will be reviewed and updated.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments: 8:00 a.m. to 5:00 p.m., Monday through Friday
Oral comments: 8:00 a.m. to 4:00 p.m., Monday through Friday

Arizona Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Unknown

NOTICE OF RULEMAKING DOCKET OPENING
BOARD FOR PRIVATE POSTSECONDARY EDUCATION

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 39, Board For Private Postsecondary Education
Article and its heading: 1, Definitions, Licensure, Reporting
3, Operation of Non-accredited Institutions
4, Operation of All Licensed Institutions
Section numbers: To be determined. Sections will be added, deleted, or amended as necessary.
- 2. The subject matter of proposed rule:**
The proposed rulemaking will address issues identified in the Board's five-year review report accepted by the Governor's

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Regulatory Review Council on February 5, 2002, conform the rule text to current rulemaking format and style requirements, and improve the rules' clarity, conciseness, and understandability. The Department will add, delete, or amend Sections as necessary.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Teri Candelaria, Executive Director

Address: Arizona State Board for Private Postsecondary Education
1400 W. Washington, Room 260
Phoenix, AZ 85007

Telephone: (602) 542-5709

Fax: (602) 542-1253

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted between 8:00 a.m. and 5:00 p.m., Monday through Friday, until the close of record on a date and time not yet determined. If a public hearing is scheduled for these rules, oral public comments may be presented at that time.

6. A timetable for agency decisions or other action on the proceeding, if known:

Undetermined at this time

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF LIQUOR LICENSES AND CONTROL

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

19, Alcohol, Horse and Dog Racing, Lottery, and Gaming
1, Department of Liquor Licenses and Control
3, Unlicensed Premises Definitions and Hearing Procedures
R19-1-301, R19-1-302, R19-1-303, R19-1-304, R19-1-305,
R19-1-306, R19-1-307, R19-1-308, R19-1-309, R19-1-310,
R19-1-311, R19-1-312, R19-1-313, R19-1-314, R19-1-315,
R19-1-316, and R19-1-317

2. The subject of the proposed rules:

The Department of Liquor is amending its rules to meet current drafting standards and to ensure consistency with state and federal statutes.

3. A citation to all published notices relating to the proceeding:

None

4. Name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Special Investigator Michael Williams or Wes Kuhl

Address: 800 W. Washington, 5th Floor
Phoenix, AZ 85007

Telephone: (602) 542-9789 or (602) 542-9072

Fax: (602) 542-5707

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

To be published in Notice of Proposed Rulemaking

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

BANKING DEPARTMENT

1. **Title and its heading:** 20, Commerce, Banking, and Insurance
Chapter and its heading: 4, Banking Department
Article and its heading: 16, Acquisition of Control of Financial Institutions
Section numbers: R20-4-1601, R20-4-1602, R20-4-1603, and R20-4-1604
2. **The subject matter of the proposed rule:**
These Sections control the acquisition of control of Arizona financial institutions. On November 7, 2000, the Council approved the Department's five-year rule review report. In that report, the Department promised to revise or repeal several Sections of Article 16. This rulemaking is to fulfill that promise.
3. **A citation to all published notices relating to the proceeding:**
There are no previous published notices relating to this proceeding.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: John P. Hudock
Address: Banking Department
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018-7270
Telephone: (602) 255-4421, ext. 167
Fax: (602) 381-1225
E-mail: jhudock@azbanking.com
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department accepts written comments during business hours at the address stated in item #4 of this Notice. Comments are welcome at any time until the close of the record in this proceeding. The date for closure of the record depends on the publication date of the actual proposed rules, which has not yet occurred. Notice of any opportunity to make public oral comment will be published as required by law.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
No timetable has been projected or established. In January 2003 the Department expects to submit the text of proposed rules for publication.